

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Christopher W.  
Blackburn et al.

Examiner: Robert E. Mosser

Serial No.: 10/802,699

Group Art Unit: 3714

Filed: March 17, 2004

Docket: 1842.030US1

For: ACCOUNTING SERVICE IN A SERVICE ORIENTED GAMING NETWORK  
ENVIRONMENT

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**APPEAL BRIEF UNDER 37 CFR § 41.37**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Appeal Brief is presented in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on November 10, 2008, from the Final Rejection of claims 1-26 of the above-identified application, as set forth in the Final Office Action mailed on July 9, 2008.

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 in the amount of \$540.00 which represents the requisite fee set forth in 37 C.F.R. § 41.20(b)(2). The Appellants respectfully request consideration and reversal of the Examiner's rejections of pending claims.

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**1. REAL PARTY IN INTEREST**

The real party in interest of the above-captioned patent application is the assignee, WMS GAMING INC.

**2. RELATED APPEALS AND INTERFERENCES**

The following patent applications are related to the above-identified application, are currently appealed to the Board, and may directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. No decisions have been rendered by the Board as of the filing of this Appeal Brief.

<u>App. Serial #</u>	<u>Attorney Docket</u>	<u>Title</u>
10/813,653	1842.017US1	EVENT MANAGEMENT SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/562,411	1842.019US1	GAMING NETWORK ENVIRONMENT PROVIDING A CASHLESS GAMING SERVICE
10/788,903	1842.020US1	A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/788,661	1842.021US1	GAMING MANAGEMENT SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/788,902	1842.022US1	GAME UPDATE SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/794,723	1842.024US1	DISCOVERY SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/794,422	1842.025US1	BOOT SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/796,562	1842.027US1	AUTHORIZATION SERVICE IN A SERVICE-ORIENTED GAMING NETWORK
10/802,701	1842.029US1	TIME SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/802,537	1842.031US1	MESSAGE DIRECTOR SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT

**3. STATUS OF THE CLAIMS**

The present application was filed on March 17, 2004 with claims 1-26. A non-final Office Action mailed September 27, 2007 rejected claims 1-26. A Final Office Action (hereinafter “the Final Office Action”) was mailed July 9, 2008 rejecting claims 1-26. An Advisory Action (hereinafter “the Advisory Action”) was mailed on October 30, 2008 maintaining the rejection of claims 1-26. Pending claims 1-26 stand twice rejected, remain pending, and are the subject of the present Appeal.

**4. STATUS OF AMENDMENTS**

In a response filed October 9, 2008 to the Final Office Action, Appellant amended claim 1 to amend a typographical error in which the claim erroneously referred to a “time service” rather than the intended “accounting service.” The Advisory Action indicates that the amendment has been entered. No other amendments have been made subsequent to the Final Office Action mailed July 9, 2008.

**5. SUMMARY OF CLAIMED SUBJECT MATTER**

Some aspects of the present inventive subject matter include, but are not limited to, systems and methods that provide an accounting service in a service-oriented gaming network environment. In general, the independent claims recite systems and methods that provide a three party handshake for providing an accounting service on a wagering game network. The accounting service first sends service information to a discovery agent, the discovery agent authorizes and authenticates the accounting management service and in response publishes the service information, and a client such as a wagering game machine desiring to use the accounting service obtains the service information from the discovery agent and uses the service information to contact and utilize the accounting service.

This summary is presented in compliance with the requirements of Title 37 C.F.R. § 41.37(c)(1)(v), mandating a “concise explanation of the subject matter defined in each of the independent claims involved in the appeal . . .” Nothing contained in this summary is intended to change the specific language of the claims described, nor is the language of this summary to be construed so as to limit the scope of the claims in any way.

**INDEPENDENT CLAIM 1**

1. A method for providing an accounting service in a gaming network including gaming machines, the method comprising:

sending service information for the accounting service from the accounting service to a discovery agent on the gaming network, wherein the accounting service provides a central store for meter information for one or more of a plurality of clients on the gaming network, the clients including a plurality of gaming machines, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game; [see e.g., FIGS. 1-2, element 10; FIG. 3, elements 302, 304 and 306; FIG. 5A element 510; FIG. 5B, elements 501, 502, 503 and 521; page 5, line 8 to page 6, line 13; page 7, lines 6-12; page 11, lines 15-27; page 17, line 17 to page 18, line 10; page 18, line 28 to page 19, line 2; and page 20, lines 24-25]

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determining by the discovery agent if the accounting service is authentic and authorized; [see e.g., FIG. 5B, elements 522 and 523; page 7, lines 22-27; page 15, lines 14-16; and page 20, lines 26-29]

in response to determining that the accounting service is authentic and authorized, publishing service information to a service repository to make the accounting service available on the gaming network; [see e.g., FIG. 3, elements 324 and 326; FIG. 5A, element 510; FIG. 5B, element 524; page 11, lines 15-27; page 14, lines 4-14; and page 18, line 28 to page 19, line 2; and page 21, lines 1-3]

receiving by the discovery agent a discovery request for the location of the accounting service from a client of the plurality of clients; [see e.g., FIG. 3, elements 302, 306, 312, 326, and 332; FIG. 5A, element 512; FIG. 5B, element 525-528; page 11, lines 15-27; page 19, lines 3-6; and page 21, lines 4-11]

returning the service information for the accounting service to the client [see e.g., FIG. 3, elements 302, 306, 312, 326, and 332; FIG. 5A, element 512; FIG. 5B elements 525-528; and page 11, lines 15-27; page 19, lines 3-6; and page 21, lines 4-11]

using the service information for registering by a gaming client with the accounting service; [see e.g., FIG. 3, elements 302, 304 and 334; FIG. 5A, element 514; FIG. 5B, element 529 and 532; page 16, lines 16-23; page 19, lines 7-14; and page 21, lines 12-18]

determining by the accounting service if the gaming client is authentic and authorized to use the accounting service; and [see e.g., FIG. 2, element 232; FIG. 5B, elements 530 and 531; page 6, lines 23-25; and page 21, lines 13-16]

processing one or more service requests between the gaming client and the accounting service, said service requests conforming to an internetworking protocol, wherein the requests include requests associated with meter information for at least one gaming machine. [see e.g., FIG. 3, elements 302, 304 and 334; FIG. 4, element 400; FIG. 5A element 516; FIG. 5B, elements 533-537; page 12, line 6 – page 13, line 20; page 16, lines 16-23; page 19, line 15 - page 20, line 25; and page 21, lines 19-26]

INDEPENDENT CLAIM 14

14. A gaming network system providing an accounting service, the gaming network system comprising:

an accounting service communicably coupled to the gaming network and operable to provide a central store for meter information for one or more of a plurality of gaming clients on the gaming network, the clients including a plurality of gaming machines; and [see e.g., FIGS. 1-2, element 10; FIG. 3, element 304; FIG. 5B, elements 501 and 502; page 5, line 8 - page 6, line 13 and page 17, line 17 - page 18, line 10]

a discovery agent communicably coupled to the gaming network, wherein the discovery agent is operable to: [see e.g., FIG. 3, element 306; FIG. 5B, element 503; and page 11, lines 15-27]

receive service information from the accounting service, [see e.g., FIG. 3, elements 304, 322 and 330; FIG. 5B, elements 502, 503 and 521; page 11, lines 15-27; and page 20, lines 24-25]

determine if the accounting service is authentic and authorized for the gaming network, and [see e.g., FIG. 5B, elements 522 and 523; page 7, lines 22-27; page 15, lines 14-16; and page 20, lines 26-29]

publish the service information to a service repository to make the accounting service available on the gaming network; [see e.g., FIG. 3, elements 324 and 326; FIG. 5A, element 510; FIG. 5B, element 524; page 11, lines 15-27; page 14, lines 4-14; page 18, line 28 - page 19, line 2; and page 21, lines 1-3]

wherein a gaming client of the plurality of gaming clients on the gaming network issues a request for the location of the accounting service to the discovery agent and uses the service information received from the discovery agent to register the gaming client with the accounting service and further to issue one or more service requests to the accounting service, said service requests conforming to an internetworking protocol. [see e.g., FIG. 3, elements 302, 304, 306, 312, 326, 332 and 334; FIG. 4, element 400; FIG. 5A, element 512-516; FIG. 5B, element 525-528 and 533-537; page 11, lines 15-27; page 12, line 6 - page 13, line 20; page 16, lines 16-23; page 19, lines 3-6; page 19, line 15 to page 20, line 25; and page 21, lines 4-11 and 19-26]

**6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Claims 1-26 were rejected under 35 U.S.C. § 102(e) for anticipation by Gatto et al. (U.S. Patent 6,908,391; hereinafter “Gatto”)

## 7. ARGUMENT

### *A) The Applicable Law under 35 U.S.C. §102*

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *M.P.E.P* § 2131. To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter. *PPG Industries, Inc. v. Guardian Industries Corp.*, 75 F.3d 1558, 37 USPQ2d 1618 (Fed. Cir. 1996). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

### *B) Discussion of the rejection of claims 1-26 under 35 U.S.C. § 102(e) as being anticipated by Gatto*

Claims 1-26 were rejected under 35 U.S.C. § 102(e) for anticipation by Gatto. This rejection is respectfully traversed. Appellant respectfully submits that the Final Office Action has made an improper *prima facie* showing of anticipation at least because the claims contain elements not found in Gatto.

For example, claim 1 recites “determining by the discovery agent if the accounting service is authentic and authorized.” Claim 14 recites similar language with respect to a discovery agent authenticating and authorizing an accounting service. The Final Office Action asserts that Gatto, at column 9, line 66 to column 10, line 63 teaches “a discovery agent and authentication agent for determining if all components are authentic and authorized” (citing the Audit Engine, Certificate Authority, and Authentication Engine). Appellant respectfully

disagrees that Gatto teaches a discovery agent that determines if a translation service is authentic and authorized. First, Gatto does not teach authentication of “all components.” The cited section of Gatto merely states that an authentication engine may be used to authenticate operations, identifications and data integrity. Nowhere does Gatto teach authenticating the service itself as recited in claims 1 and 14. Gatto, at column 10, lines 45-52 discloses “[t]he authentication engine 834 may include functionality to consult a Certificate Authority (which may be located on a server on the network 102 or on a computer network connected thereto), certify the authenticity of the identification presented, authorize a given operation, ensure data integrity of data exchanged, securely time-stamp the operation (to ensure non-repudiation of the operation) and/or revoke illegal identifications, for example.” The cited section indicates that an authentication engine may be used to authenticate identities (presumably of player identification means) or to authorize operations. There is no disclosure of authentication of a service, and further there is no disclosure of authorization of a service. The actions performed by the authentication engine 834 cited above all occur after a service has been instantiated (e.g., the player identification and operations of that may be performed by a service). In contrast, Appellant’s claims recite a system and method in which a service is not allowed to be published on a gaming network unless it is authentic and authorized. Such an arrangement provides the advantage that services must be authenticated and authorized before being published on the network, thereby reducing the potential that a service may engage in harmful actions on a gaming network.

The Advisory Action states that Gatto “teaches the use of an authentication engine correlated in the rejection as presented as a component of the applicants so described discovery agent as including operations to authenticate devices operations, and data integrity contained on the network (Col 10:44-52, 12:16-22).” Appellant respectfully disagrees. The authentication engine of Gatto is not described as part of UDDI or any discovery agent. Further, as discussed above, authentication of “devices operations and data integrity” is a difference concept than authenticating and authorizing a service prior to publishing the service.

The Advisory Action further states that if “Gatto did not consider the authorization of the devices attached to the network as taught above and previously cited then the inspection of messages sent across the network would fail to provide any measure of security because without determining the validity of the message origin the contents of the message cannot be assured.”

Authentication of messages and data integrity does not inherently require authentication and authorization of a service. Authentication of messages merely determines whether the message is from an entity claiming to be the source of the message. This has no bearing on whether the source itself is authentic and authorized. The two concepts (message authentication and service authentication), while related to security, are different. Thus even if the statement in the Office Action is true and even if Gatto authenticates messages, such actions are different from authentication and authorization of a service.

In view of the above, claims 1 and 14 recite elements that are not disclosed in Gatto. Additionally, the elements as recited in Appellant's claims are arranged differently from Gatto. Therefore claims 1, 14 are not anticipated by Gatto. Appellant respectfully requests reversal of the rejection of claims 1 and 14.

Claims 2-13 depend from claim 1 and claims 14-26 depend from claim 14. These dependent claims inherit the elements of their respective base claims 1 and 14 and are not anticipated by Gatto for at least the reasons discussed above regarding their respective base claims. Appellant respectfully requests reversal of the rejection of claims 2-13 and 15-26.

## SUMMARY

For the reasons argued above, claims 1-26 were not properly rejected under 35 U.S.C § 102(e) as being anticipated by Gatto.

It is respectfully submitted that the art cited does anticipate the claims and that the claims are patentable over the cited art. Reversal of the rejections and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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Date June 22, 2010

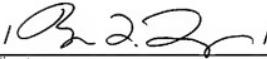
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 22nd day of June 2010.

Rodney L. Lacy

Name

  
Signature

## **8. CLAIMS APPENDIX**

1. A method for providing an accounting service in a gaming network including gaming machines, the method comprising:

sending service information for the accounting service from the accounting service to a discovery agent on the gaming network, wherein the accounting service provides a central store for meter information for one or more of a plurality of clients on the gaming network, the clients including a plurality of gaming machines, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game;

determining by the discovery agent if the accounting service is authentic and authorized; in response to determining that the accounting service is authentic and authorized, publishing service information to a service repository to make the accounting service available on the gaming network;

receiving by the discovery agent a discovery request for the location of the accounting service from a client of the plurality of clients;

returning the service information for the accounting service to the client; using the service information for registering by a gaming client with the accounting service;

determining by the accounting service if the gaming client is authentic and authorized to use the accounting service; and

processing one or more service requests between the gaming client and the accounting service, said service requests conforming to an internetworking protocol, wherein the requests include requests associated with meter information for at least one gaming machine.

2. The method of claim 1, wherein the accounting service comprises a web service.

3. The method of claim 2, wherein the service request is formatted according to a service description language.

4. The method of claim 3, wherein the service description language is a Web Services Description Language (WSDL).
5. The method of claim 2, wherein the accounting service is registered in a UDDI registry.
6. The method of claim 1, wherein the gaming client comprises a gaming machine.
7. The method of claim 1, wherein the gaming client comprises a service provider.
8. The method of claim 1, wherein the service request comprises a request by the gaming client to start receiving requests by the accounting service for gaming machine meters on the gaming client.
9. The method of claim 1, wherein the service request comprises a request by the gaming client to stop receiving requests for gaming machine meters on the gaming client.
10. The method of claim 1, wherein the service request comprises a request by the gaming client to post gaming meter information.
11. The method of claim 1, wherein the service requests comprises a request by the gaming client to adjust gaming machine meter information maintained by the accounting service.
12. The method of claim 1, wherein the service requests comprises a request by the gaming client to retrieve information about gaming device meters on a gaming device.
13. The method of claim 1, wherein the service request comprises a request by the gaming client to retrieve report information about gaming device meters.

14. A gaming network system providing an accounting service, the gaming network system comprising:

an accounting service communicably coupled to the gaming network and operable to provide a central store for meter information for one or more of a plurality of gaming clients on the gaming network, the clients including a plurality of gaming machines; and

a discovery agent communicably coupled to the gaming network, wherein the discovery agent is operable to:

receive service information from the accounting service,

determine if the accounting service is authentic and authorized for the gaming network, and

publish the service information to a service repository to make the accounting service available on the gaming network;

wherein a gaming client of the plurality of gaming clients on the gaming network issues a request for the location of the accounting service to the discovery agent and uses the service information received from the discovery agent to register the gaming client with the accounting service and further to issue one or more service requests to the accounting service,

said service requests conforming to an internetworking protocol.

15. The gaming network system of claim 14, wherein the accounting service comprises a web service.

16. The gaming network system of claim 15, wherein the service request is formatted according to a service description language.

17. The gaming network system of claim 16, wherein the service description language is a Web Services Description Language (WSDL).

18. The gaming network system of claim 14, wherein the accounting service is registered in a UDDI registry.

19. The gaming network system of claim 14, wherein the gaming client comprises a gaming machine.

20. The gaming network system of claim 14, wherein the gaming client comprises a service provider in the gaming network.

21. The gaming network system of claim 14, wherein the service request comprises a request by the gaming client to start receiving requests by the accounting service for gaming machine meters on the gaming client.

22. The gaming network system of claim 14, wherein the service request comprises a request by the gaming client to stop receiving requests for gaming machine meters on the gaming client.

23. The gaming network system of claim 14, wherein the service request comprises a request by the gaming client to post gaming meter information.

24. The gaming network system of claim 14, wherein the service request comprises a request by the gaming client to adjust gaming machine meter information maintained by the accounting service.

25. The gaming network system of claim 14, wherein the service request comprises a request by the gaming client to retrieve information about gaming device meters on a gaming device.

26. The gaming network system of claim 14, wherein the service request comprises a request by the gaming client to retrieve report information about gaming device meters.

**9. EVIDENCE APPENDIX**

None.

**10. RELATED PROCEEDINGS APPENDIX**

None.